

Appl. No. 09/412,792  
Amendment Dated November 22, 2005  
Reply to Office Action of August 22, 2005

### **REMARKS**

Claims 1, 3-14, and 18-30 are pending in this application. Claim 15 has been canceled. Claims 1, 10, 14, 18, 22, and 26 have been amended. Reconsideration and allowance of the pending claims are respectfully requested.

### **Examiner Interview**

Applicant would like to thank Examiner Sheleheda and Primary Examiner Srivastava for conducting a telephone interview on November 1, 2005. The foregoing amendments and the following remarks reflect the substance of the interview.

### **Rejections**

Claims 1, 3-7, 9-15 and 18-30 stand rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,018,768 ("Ullman") in view of USPN 6,268,849 ("Boyer"). Applicant respectfully traverses this rejection.

Claim 15 has been canceled, rendering the rejection of this claim moot.

Claims 1, 3-7, 9-14 and 18-30 represent patentable subject matter because the cited references fail to teach or suggest all the claim limitations of these claims. For example, claim 1 as amended recites "wherein said scheduling information is capable of processing by the receiver prior to the scheduled time to select one viewer application from a plurality of viewer applications which are stored on the receiver and are capable of processing the broadcast of data in the encoding format at the scheduled time or to update the receiver with a new viewer application capable of processing the broadcast of data in the encoding format." At least this feature is not shown by Ullman and Boyer.

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For at least the above reasons, claim 1 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 3-7 and 9 are allowable by virtue of their dependency, as well as on their own merits.

Claim 10, as amended, recites "processing the scheduling information prior to the broadcast times to select a viewer application from a plurality of viewer applications which are stored at a receiver and are capable of processing the data broadcasts in the encoding format at the broadcast times or to update the receiver with a new viewer application capable of processing the data broadcasts in the encoding format." At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 10 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 11-13 are allowable by virtue of their dependency, as well as on their own merits.

Claim 14, as amended, recites "processing the scheduling information prior to the broadcast times to select a viewer application from a plurality of viewer applications which are stored at a receiver and are capable of processing the data broadcasts in the encoding format at the broadcast times or to update the receiver with a new viewer application capable of processing the data broadcasts in the encoding format." At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 14 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination.

Claim 18, as amended, recites "the processor to process the scheduling information prior to the broadcast times to select viewer applications from a plurality of viewer applications on said data storage device and capable of processing the broadcasts

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of data at the broadcast times in the encoding format for the broadcasts or to update the data storage device with a new viewer application capable of processing the broadcasts of data in the encoding format for the broadcasts." At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 18 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 19-21 are allowable by virtue of their dependency, as well as on their own merits.

Claim 22, as amended, recites "wherein said scheduling information is capable of processing by the receiver prior to the scheduled time to select one viewer application from a plurality of viewer applications which are stored on the receiver and are capable of processing the broadcast of data in the encoding format at the scheduled time or to update the receiver with a new viewer application capable of processing the broadcast of data in the encoding format." At least this feature is not shown by Ullman and Boyer.

For at least the above reasons, claim 22 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 23-25 are allowable by virtue of their dependency, as well as on their own merits.

Claim 26, as amended, recites "process the scheduling information prior to the broadcast times to select a viewer application from a plurality of viewer applications which are stored at a receiver and are capable of processing the broadcasts of data in the encoding format at the broadcast times or to update the receiver with a new viewer application capable of processing the broadcasts of data in the encoding format." At least this feature is not shown by Ullman and Boyer.

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For at least the above reasons, claim 26 represents patentable subject matter over Ullman and Boyer, whether alone or taken in combination. Claims 27-30 are allowable by virtue of their dependency, as well as on their own merits.

In view of the above, removal of the rejection of claims 1, 3-7, 9-14 and 18-30 is thus respectfully requested.

Claim 8 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Ullman in view of the ATVEF Specification. Applicant traverses. Claim 8 recites features similar to claim 1, and therefore represent patentable subject matter for at least the same reasons given for claim 1 in that the ATVEF Specification does not remedy the deficiencies of Ullman with respect to independent claim 1. Removal of the rejection for claim 8 is thus respectfully requested.

For at least the above reasons, Applicant submits that claims 1, 3-14 and 18-30 recite novel features not shown by the cited references. Further, Applicant submits that the above-recited novel features provide new and unexpected results not recognized by the cited references. Accordingly, Applicant submits that the claims are not anticipated nor rendered obvious in view of the cited references.

It is believed that claims 1, 3-14 and 18-30 are in allowable form. Accordingly, a timely Notice of Allowance to this effect is earnestly solicited.

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The Examiner is invited to contact the undersigned at 724-933-9344 to discuss any matter concerning this application.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. § 1.16 or § 1.17 to the attached Credit Card Payment Form.

Respectfully submitted,

KACVINSKY LLC



Robert V. Racunas, Reg. No. 43,027  
Under 37 CFR 1.34(a)

Dated: November 22, 2005

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**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO THE UNITED STATES PATENT AND TRADEMARK OFFICE, FAX NO. (571) 273-8300 ON NOVEMBER 22, 2005.

  
Deborah L. Higham

11/22/05  
Date